

REMARKS

Examiner has rejected Claims 28, 29, and 31- 34 under 35 U.S.C. § 103(a) over U.S. Patent No. 1,426,239 to Witzberger ("Witzberger") in view of BE 883121 ("the '121"). Applicant first notes that the submission of art does not constitute an admission that such art is prior art to the present application.

Claims 1-26 stand previously canceled, and Claims 27, 30, 35-52 stand previously withdrawn. Claims 27-52 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 28, 29, and 31-34. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. REJECTION OF CLAIMS 28, 29, 31, AND 34 UNDER 35 U.S.C. § 103 BASED ON WITZBERGER OVER THE '121

On page 2 of the current Office Action, the Examiner rejects Claims 28, 29, and 31- 34 under 35 U.S.C. § 103 as being unpatentable over Witzberger in view of the '121. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Independent Claims 28 states, in part:

"holding elements which project from the body part and are displaceable in direction of the holding elements"

outer surfaces, a free end of said holding elements being provided with a first inclined surface for supporting the body part without play on the rim or edge of the opening of an other, inner side of the thin wall;...

wherein said free end of each of said holding elements is further provided with a second inclined surface for slam action, the second inclined surface being approximately at a right angle to the first inclined surface; (emphasis added)...

wherein said holding elements are slides of similar construction which are diametrically oppositely arranged so as to be displaceable in a cylinder of the body part that is parallel to the plane of the thin wall and is rectangular in cross section.

Accordingly, Claim 28 calls for a holding element being displaceable in a cylinder of the body part that is **rectangular in cross section**. Witzberger shows a body 1 which is provided with a round bore in which are mounted two telescoping members of **circular cross section**, as shown in lines 30-34 and Fig. 4 of Witzberger.

Holding elements in the form of slides shiftable inside a channel of **rectangular cross-section** have well-defined self-blocking functionality provided by friction between the bottom wall of the channel and the upper wall of the channel opposite thereto and the corresponding surfaces of the slide, the friction being provided by the pressure of the rim of the breakthrough onto the first inclined surface into which breakthrough the device carrying the channel is mounted. This self-locking effect is not present if the slides have a round cross-section, as is the case with Witzbeger.

Moreover, Witzberger does not provide the self -blocking effect whatsoever since there is no first inclined surface at an incline of an angle of more than 0 degrees and less than 90 degrees with respect to the inner side of the thin wall.

The '121, does not provide for self-blocking effects because there is no slide and no channel involved. Nor does the '121 disclose friction between the bottom and a top walls thereof. Therefore the ordinarily skilled artisan artisan would not apply the teaching of the '121 to the device of Witzberger.

Accordingly, independent Claim 28 is allowable over the cited references. For the same reasons with respect to the same recitations, independent Claim 31 is also allowable. Applicant thereby respectfully asserts that Examiner has failed to establish a *prima*

facie case of anticipation of independent Claims 28 and 31. As the remaining non-withdrawn pending claims each depend from independent Claims 28 and 31, they are therefore believed patentable for at least the same reasons. As nothing in the references cited in the Office Action cures the above-identified deficiencies, Applicant respectfully requests a reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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